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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,316	02/06/2004	Leo Sartor	14610	6480

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EXAMINER
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GRAHAM, MARK S

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/772,316	<b>Applicant(s)</b> SARTOR ET AL.	
	<b>Examiner</b> Mark S. Graham	<b>Art Unit</b> 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19, 21-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Tiitola '195 Tiitola. Note Tiitola's foam core, fiber braid layer 24, 25, 26, 27, and thermoplastic layer 28, 29 (fibers embedded in thermoplastic).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5 are 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiitola in view of McKinnon.

Tiitola discloses the claimed device with the exception of the blade construct including the shank portion. Note Tiitola's foam core, fiber layer 24, 25, 26, 27, and thermoplastic layer 28, 29 (fibers embedded in thermoplastic). In view of McKinnon's disclosure that such blade constructs may include the shank portion it would have been obvious to one of ordinary skill in the art to have included such with Tiitola's blade as well if it was desired to fit it to a shaft such as McKinnon's.

Concerning claim 23, the examiner takes official notice that the claimed resins are commonly known. Such being commonly known and suitable for Tiitola's purpose would

Art Unit: 3711

therefore have been obvious to the ordinarily skilled artisan as the resin used for Tiitola's layers 28 and 29.

Regarding claim 25, Tiitola teaches that epoxy may be used as his resin.

Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiitola.

Concerning claim 7, the examiner takes official notice that the claimed resins are commonly known. Such being commonly known and suitable for Tiitola's purpose would therefore have been obvious to the ordinarily skilled artisan as the resin used for Tiitola's layers 28 and 29.

Regarding claim 10, layers 24, 25, 26, and 27 covering a first portion 22 are considered the first fibers and layers 24, 25, 26, and 27 covering a second portion 22 are considered the second fibers.

Concerning claim 11, layers 28, 29 comprise the third fiber braid.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiitola in view of Battis. For purposes of this rejection Battis may be considered to disclose an outer layer applicable to hockey sticks which includes a woven fiber layer imbedded in a thermoplastic sheet. It would have been obvious to one of ordinary skill in the art to have applied a sleeve such as Battis to Tiitola's hockey stick to increase puck control.

Concerning claim 12, layers 28 and 29 of Tiitola may be considered the third fibers braid.

Claims 14-17 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 13 and 26 above, and further in view of Lallemand.

Claims 14-17 and 27 and 28 are obviated for the reasons explained above with the exception of the angle of the braid. However, as disclosed by Lallemand the braid of such fiber

layers in the blade may be varied from 30 to 60 degrees as desired depending on the rigidity one wishes to obtain in the blade. It would have been obvious to one of ordinary skill in the art to have varied Tiitola's fiber angle in the same manner to obtain a particularly desired rigidity.

Regarding claim 15, note Tiitola's fiber bridges 24, 25.

Concerning claim 17, note Col. 4, lines 60-65 of Battis which teaches that the outer layer may include indicia for its inherent purpose.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 28 above, and further in view of Battis. Note Col. 4, lines 60-65 of Battis which teaches that the outer layer may include indicia for its inherent purpose. It would have been obvious to one of ordinary skill in the art to have provided such with Tiitola's blade as well for the same reason.

Applicant's arguments with respect to claims 1-19 and 21-29 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

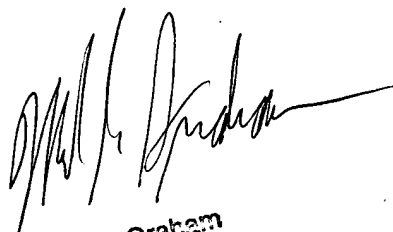
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3711

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 571-272-4410.

MSG  
11/3/05



Mark S. Graham  
Primary Examiner